

CITY OF SEATTLE

Amended Cable Code
ORD 124736
Subchapter II, Cable Customer Bill of Rights
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21.60.800 Policy

A. The grantee shall have a right to first resolve customer inquiries and complaints without delay and interference from the City.

B. Where a given complaint is not addressed by the grantee to the customer's satisfaction, the City may intervene. In addition, where a pattern of, or unremedied, noncompliance with this Subchapter II is identified, the City may prescribe a cure and establish a 30-day deadline for implementation of the cure. If the noncompliance is not cured within 30 days, monetary sanctions of up to \$1,000 may be imposed to encourage compliance.

C. These standards are intended to be of general application; however, the grantee shall be relieved of any obligations hereunder if it is unable to perform due to a force majeure event listed in Section 21.60.270 affecting a significant portion of the franchise area. The grantee is free to exceed these standards to the benefit of its customers, and such shall be considered performance for the purpose of enforcing these standards.

D. The provisions contained in this Subchapter II and in franchise agreements should be interpreted consistently wherever possible. If the provisions of this Subchapter II and any franchise agreement are inconsistent, the provisions of this Subchapter II control.

Section 74. Section 21.60.810 of the Seattle Municipal Code, last amended by Ordinance 120775 and that currently reads as follows, is repealed:

Section 75. Section 21.60.820 of the Seattle Municipal Code, last amended by Ordinance 120775, is amended as follows:

21.60.820 Customer service

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A. Courtesy

All employees of the grantee shall be courteous, knowledgeable, and helpful. Grantee's employees, agents, contractors, and subcontractors shall provide accurate information and effective, timely, and satisfactory service in all contacts with customers.

B. Accessibility

1. Except as otherwise approved by the City in a franchise, the grantee shall provide at least one service center for each 75,000 customers served, located at a safe, visible site within the City that is handicapped accessible and located along mass transit routes. Except as otherwise approved by the City, all service centers shall be open during normal business hours and shall be fully staffed on-site with CSRs offering the following services to customers who come to the service center: bill payment (including the ability to provide change and customer receipts) ; equipment exchange; processing of change of service requests; and response to customer inquiries and requests. The City may approve alternatives for service centers that provide substantially equivalent services. The grantee shall post a sign at each service center advising customers of its hours of operation and of the addresses and telephone numbers to contact the City and the grantee after normal business hours. The grantee shall provide free exchanges of faulty equipment at the customer's address.

2. CSRs will be available to respond to customer inquiries during normal business hours. The grantee shall maintain local or toll free telephone access lines that shall be available during normal business hours for service/repair requests and billing inquiries.

3. The grantee shall have dispatchers and technicians on call 24 hours a day, seven days a week, including legal holidays, for emergency purposes.

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1 4. The grantee shall keep sufficient CSR and telephone line capacity to ensure that
2 telephone calls are answered by an IVR or a CSR within 30 seconds under normal operating
3 conditions. If the call is answered by an IVR, the IVR must allow the option to speak with a
4 CSR within no more than three minutes. If a customer has exercised the option to speak with a
5 CSR, the customer shall be able to speak with a CSR within 30 seconds once the call is
6 transferred during normal business hours. This standard shall be met no less than 80 percent of
7 the time, measured on a monthly basis under normal operating conditions. Compliance with
8 this standard shall be reported on a quarterly basis according to a reporting form established by
9 the Office of Cable Communications. Any grantee of a new franchise will not be required to
10 complete or send the report described in Section 21.60.840 until 12 months after the effective
11 date of the new franchise.
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13 5. The total number of calls receiving busy signals shall not exceed three percent of
14 the total telephone calls. This standard shall be met no less than 90 percent of the time,
15 measured on a quarterly basis under normal operating conditions.
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17 C. Responsiveness

18 1. Guaranteed seven-day standard installation and service. The grantee
19 shall complete all standard installations and service repairs requested by customers within
20 seven business days after an order has been placed, unless otherwise requested by the customer.
21 This standard must be met no less than 95 percent of the time under normal operating
22 conditions measured on a quarterly basis. If the customer requests a non-standard installation,
23 or the grantee determines that a non-standard installation is required, the grantee shall provide
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the customer in advance with a total installation cost estimate and an estimated date of completion. All underground cable drops shall be buried at a depth of no less than 12 inches and work shall be completed within three calendar weeks from the initial installation, or at a time mutually agreed upon between the grantee and customer.

2. Residential installation and service appointments. Customers requesting installation of cable service or repair service to an existing installation may choose any available four-hour block of time during normal business hours. The grantee shall provide customers the option of service or installation appointments weekday evenings until 7 p.m. and a minimum of four hours on Saturdays at the request of and for the convenience of the customer. The grantee may not cancel an appointment with a customer after 5 p.m. on the day before the scheduled appointment.

a. As part of the installation process, the grantee shall provide documentation explaining the 30-day satisfaction guaranteed program pursuant to subsection 21.60.820.H. The documentation must include the toll-free contact number a customer can use to exercise customer rights under this Section 21.60.820.

b. The grantee shall be deemed to have responded to a request for service under the provisions of this Section 21.60.820 if a technician arrives within the agreed-upon time period. If the customer is absent when the technician arrives, the technician shall verify the appointment with the technician's dispatcher by telephone while at the customer's door and leave written notification of timely arrival. The grantee shall keep a record of the notification. In such circumstances, the customer must contact the grantee to reschedule the appointment. In the

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event that a technician arrives without a prior appointment, and the customer must be present for service to proceed, and the customer is absent, the grantee will not be considered to have responded to a request for service.

c. If a grantee representative fails to keep an installation or service appointment for any reason, the grantee will contact the customer before the end of the scheduled appointment and reschedule the appointment at a time convenient for the customer.

3. Outages and Other Service Interruptions.

a. In the event of a system outage (an outage is a service interruption that involves a loss or substantial impairment in reception on all channels for a period of one hour or more) resulting from grantee equipment failure affecting five or more customers, the grantee shall initiate repairs within two hours after the third customer calls to report the outage.

b. All customers who call the grantee to report an outage shall receive credit for the entire day on which the outage occurred and for each additional day the outage continues.

c. The grantee shall notify the City of any outage of at least four continuous hours that affects at least ten percent of its customers.

d. The grantee shall initiate repairs for all other service interruptions resulting from grantee equipment failure within 24 hours. Grantee shall provide any customer who reports a service interruption with a credit for each day of service interruption due to the grantee's equipment failure.

e. The grantee shall initiate repairs to customer-reported outages and service interruptions, for any cause beyond the control of the grantee, within 24 hours after the conditions beyond its control have been corrected.

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4. TV reception. The signal quality provided by the grantee shall meet or exceed technical standards established by the FCC. The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible.

a. A planned outage that the grantee anticipates will last more than four hours shall be preceded by at least 24 hours' notice to affected customers and shall occur during periods of minimum use of the system, preferably between midnight and 6 a.m. Such notification of a planned outage may take the form of a door hanger, a message or insert into the monthly bill, or a telephone call and may be supplemented with on-screen messages announcing the planned outage.

b. If a customer experiences poor signal quality or reception, the grantee shall respond and repair the problem no later than the day following the customer call provided that the customer is available and the repair can be made within the allotted time. If an appointment is necessary, the customer may choose a four-hour block of time during normal business hours. At the customer's request, the grantee shall repair the problem at a later time convenient to the customer. The grantee shall provide customers the option of service or installation appointments weekday evenings until 7 p.m. and until 5 p.m. on Saturdays.

5. Problem resolution

a. A grantee's CSRs shall have the authority to provide credit for interrupted service or any of the other credits listed in Section 21.60.850, to waive fees, to schedule service appointments, and to change billing cycles, if appropriate.

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b. Any difficulties that cannot be resolved by the CSR shall be referred to the appropriate supervisor who shall make best efforts to contact the customer within four hours and resolve the problem within 48 hours or within such other time frame as is reasonable.

6. Billings, credits, refunds, and deposits

a. Grantee will send customers a clear and concise bill every month. The grantee shall provide a due date on each bill that is at least 30 days from the beginning date of the applicable billing cycle. A monthly bill shall be issued to all customers regardless of balance due. The customer shall retain the option of whether to receive bills by mail or electronically.

b. The grantee shall respond to a customer's billing inquiry, general question, or comment made by telephone or e-mail within 48 hours during normal business hours. The grantee shall respond in writing to a written and mailed billing inquiry, general question, or comment within two weeks of the date of receipt of the letter.

c. If a customer's service bill is not paid by the due date the grantee may apply an administrative fee to the customer's account. If the customer's service bill is not paid within 45 days of the beginning date of the applicable service period, the grantee may perform a "soft" disconnect of the customer's service. If a customer's service bill is not paid within 52 days of the beginning date of the applicable service period, the grantee may disconnect the customer's service, but only upon showing that it provided ten days' notice to the customer that such disconnection may result.

d. If a customer requests cancellation of any or all services, billing for affected services shall end on the same day, or on the future date for which the cancellation is requested. After the requested cancellation date, the customer shall not be responsible for cable

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services delivered . The grantee must refund any credit balance owed the customer, less any owed or disputed amounts, within 15 business days after the close of the customer's billing cycle following the return of the equipment and request for cancellation.

e. Deposits shall accrue interest at a fair market rate. Within 15 business days after cancellation of service, the grantee shall repay any deposit with a statement showing accrued interest to the customer, less any sums owed to the grantee.

7. Treatment of property owner's property

a. Trees, shrubs, and other landscaping on a customer's property that are damaged by the grantee, or any employee or authorized agent, during installation or construction for the customer or in the process of serving adjacent structures, shall be restored to their prior condition or replaced. Trees and shrubs shall not be removed without the prior permission of the owner of the property on which they are located.

b. The grantee shall, at its own cost and expense, and in a manner approved by the property owner and the City, restore any property to as good condition as before the work causing such disturbance was initiated. The grantee shall repair or replace any damaged property, or compensate property owners for damage resulting from the grantee's installation, construction, service, or repair activities for a customer.

c. Except in the case of an emergency involving public safety or service interruption to a large number of customers, or where the grantee has a legal right of access or entry, the grantee shall give reasonable notice to property owners or legal tenants before entering upon their private property, and the notice shall specify the work to be performed . In the case of construction operations, such notice shall be delivered or provided at least 24 hours

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before entry. In the case of an emergency, the grantee shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made. Nothing in this Chapter 21.60 authorizes access or entry to private property, or any other property, where such right to access or entry is not otherwise provided by law. If damage is caused by grantee activity, the grantee shall reimburse the property owner 100 percent of the cost of repairing the damage or replacing the damaged property. For the installation of pedestals or other major construction or installation projects, property owners shall also be notified by mail or door hanger notice at least one week in advance.

d. The grantee shall clean all areas surrounding any work site of debris caused by the grantee's activities and ensure that all materials are disposed of properly.

D. Services for customers with disabilities

1. For any customer with a verified disability that prevents the customer from self-installing equipment, the grantee shall at no charge deliver, install, and pick up equipment at the customer's home. In the case of malfunctioning equipment, the grantee shall provide and install substitute equipment, ensure that it is working properly, and remove the defective equipment .

2. The grantee shall provide TDD/TTY service with trained operators who can provide every type of assistance rendered by the grantee's CSR for any hearing-impaired customer at no charge.

3. The grantee shall install, at no charge, any closed captioning device purchased by a hearing-impaired customer.

4. The grantee shall provide free use of a converter remote control unit to mobility-impaired customers.

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5. Any customer with a disability may request the special services and equipment described in this Section 21.60.820 by providing the grantee with a letter from the customer's physician stating the need, or by making the request to the grantee's installer or service technician, if the need for the special services can be visually confirmed.

E. Customer information

1. Upon installation, annually, and at any time a customer requests, the grantee shall provide the following information to its customers in a clear, concise written form. In addition, the grantee shall notify customers 30 days in advance of any significant changes in the following:

- a. Cable services offered by the grantee, including its channel lineup ;
- b. The grantee's prices and options for cable services; conditions of subscription to cable services; and policies concerning changes in services offered, notification of changes, disconnection, and service downgrades;
- c. A description of these Subchapter II (Cable Customer Bill of Rights) standards in a form provided by or approved by the City ;
- d. Installation and service maintenance policies, including the customer's responsibilities for equipment;
- e. Instruction on the use of cable TV service, remote control, and standard video recording device hookups;
- f. Instruction on the use of interactive television if provided by the grantee;

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g. Billing and complaint procedures, including the address and telephone number of the grantee's offices, the grantee's policies on deposits and credit balances, returned check charges, and refunds for disruption of cable service or poor signal quality;

h. Contact information for filing a consumer complaint with the FCC and the Office of Cable Communications;

i. Policies concerning protection of customer privacy , including provisions for opting-out of disclosure of customer name and address for marketing purposes;

j. Use and availability of parental control/lock out device;

k. Special services for customers with disabilities including any discounts required by the franchise or other agreements; and

l. Days, hours of operation, and locations of the service centers .

2. The grantee shall concurrently send to the Office of Cable Communications a copy of all notices provided to customers under this subsection 21.60.820.E.

3. The grantee shall provide customers with written notification, and announcements on the cable system, of any changes in programming, services, or channel positions as soon as possible, but no less than 30 days in advance of such changes if the change is within the control of the grantee. Customers shall be given a description of the changes, their options for changing services they receive, the phone number for questions, and the effective date.

4. All of the grantee's officers, agents, employees , contractors, and subcontractors who are in personal contact with customers shall have visible identification cards bearing their

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name and photograph. The grantee shall account for all identification cards at all times. Every vehicle of the grantee used for providing services to customers shall be clearly visually identified to the public as working for the grantee. All CSRs shall identify themselves orally to callers immediately following the greeting during each telephone contact with the public.

Officers, agents, and employees of the grantee and its contractors and subcontractors shall identify themselves to the customer when making a service call or installation .

5. All CSRs, technicians , employees, agents, contractors, and subcontractors of the grantee in every contact with a customer shall state the estimated cost of the service, repair, or installation orally before delivery of the service or before any work is performed, and shall provide the customer with an oral statement of the estimated total charges before terminating the telephone call. At the customer's request, the grantee shall send the customer a written statement detailing such charges. Grantee shall also provide customers with a written statement of the total estimated charges before leaving the location at which the work was performed .

6. All promotional materials advertising cable services shall accurately disclose price terms. For non-automated orders, the CSRs shall make clear the price of pay-per-view and pay-per-event programming before an order is taken. The grantee shall distribute promotional material in multiple unit buildings only with the approval of the building owner. The grantee shall not condition the provision of cable services on the receipt of such approval .

7. All listings of the grantee's services shall conspicuously display the availability of all service tiers and corresponding prices for City customers, including the cost of either the basic cable service subject to rate regulation or the cost of the grantee's lowest priced cable service tier.

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8. The grantee shall not charge customers for any services they have not affirmatively requested. This Section 21.60.820 shall not prevent a grantee from adding programming to an existing tier.

F. Multiple dwelling unit buildings. The grantee shall ensure that rates charged by the grantee to residents of multiple dwelling unit buildings do not exceed the charges paid by residents of single family homes. The grantee may not condition provision of services to multiple dwelling unit buildings on any requirement not imposed on other subscribers, except as expressly permitted in the franchise. The grantee may not condition provision of services to multiple dwelling unit buildings on an exclusive service agreement with grantee. The grantee may offer a building owner the option of a long-term agreement in return for installation of internal wiring or other telecommunications improvements unique to the building, but the grantee must offer the alternative of a no term agreement to building owners who wish to contract directly for installation by a contractor approved by the grantee and in accordance with the grantee's generally applicable technical standards. The foregoing does not restrict, condition, or inhibit the grantee's ability to negotiate longer-term right of entry agreements prior to offering service to multiple unit building residents for the purpose of maintaining grantee's on-site signal and facilities. For purposes of this subsection 21.60.820.F, a "right of entry agreement" means an agreement that permits the grantee access to the building to extend its distribution cable from the grantee's cable system in the right-of-way or public easement to the utility closet or other demarcation point in the multiple unit building.

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1 G. Safety. The grantee shall install and locate its facilities, cable system, and equipment in
2 compliance with all federal, state, local, and company safety standards, and in such manner as
3 shall not unduly interfere with or endanger persons or property. If the grantee receives notice
4 that an unsafe condition exists with respect to its equipment, the grantee shall investigate such
5 condition immediately, and shall take such measures as are necessary to remove or eliminate any
6 unsafe condition.

7
8 H. Satisfaction guaranteed. The grantee shall guarantee customer satisfaction for every
9 customer who requests new installation of cable service, video, or interactive television or adds
10 any additional cable service to the customer's cable subscription. Any such customer who adds
11 expanded basic or other higher tier of video service or interactive television to the customer's
12 cable subscription and then requests discontinuation of such upgraded service within 30 days
13 due to dissatisfaction with the service shall receive an account credit in an amount equal to the
14 pro rata charge for the remaining days of service following the request to discontinue the
15 service. If a customer subscribes to a service under a promotion that provides free service and
16 chooses to discontinue the service during the promotion window, there shall be no charge of any
17 kind for the service or for discontinuing the service.
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20 Section 76. A new Section 21.60.825 of the Seattle Municipal Code is added as follows:

21 **21.60.825 Cable customer privacy**

22 In addition to complying with the requirements in this Section 21.60.825, a grantee shall
23 fully comply with all obligations under 47 U.S.C. § 551.

24 A. Definitions.

25 For purposes of this Section 21.60.825:
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"Affiliate" means any person or entity that is owned or controlled by, or under common ownership or control with, a grantee, and provides any cable service or other service.

"Necessary" means required or indispensable.

"Non-cable-related purpose" means any purpose that is not necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the grantee to a customer. Market research, telemarketing, and other marketing of services or products are considered non-cable-related purposes.

"Personally identifiable information" means specific information about a customer, including, but not limited to, a customer's (a) login information, (b) extent of viewing of video programming or other services, (c) shopping choices, (d) interests and opinions, (e) energy uses, (f) medical information, (g) banking data or information, (h) web browsing activities, or (i) any other personal or private information. "Personally identifiable information" does not mean aggregate information about customers that does not identify particular persons.

B. Collection and use of personally identifiable information.

1. A grantee shall not use the cable system to collect, record, monitor, or observe personally identifiable information without the prior affirmative written or electronic consent of the customer unless, and only to the extent that, such information is: (a) used to detect unauthorized reception of cable communications, or (b) necessary to render a cable service or other service provided by the grantee to the customer.

2. A grantee shall take such actions as are necessary to prevent any affiliate from using the facilities of the grantee in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit an affiliate unauthorized

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access to personally identifiable information on the computer or other equipment of a customer (regardless of whether such equipment is owned or leased by the customer or provided by a grantee) or on any of the facilities of the grantee that are used in the provision of cable service.

This subsection 21.60.825.B.2 does not prohibit an affiliate from obtaining access to personally identifiable information to the extent otherwise permitted by this Section 21.60.825.

3. A grantee shall take such actions as are reasonably necessary to prevent a person or entity (other than affiliates) from using the facilities of the grantee in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit such person or entity unauthorized access to personally identifiable information on the computer or other equipment of a customer (regardless of whether such equipment is owned or leased by the customer or provided by a grantee) or on any of the facilities of the grantee that are used in the provision of cable service.

C. Disclosure of personally identifiable information. A grantee shall not disclose personally identifiable information without the prior affirmative written or electronic consent of the customer, except as follows:

1. A grantee may disclose for a non-cable-related purpose the name and address of a customer to any general programming tiers of service and other categories of cable and other service provided by the grantee if the grantee has provided the customer the opportunity to prohibit or limit such disclosure in accordance with this Section 21.60.825 and 47 U.S.C. § 551, and such disclosure does not directly or indirectly disclose:

a. A customer's extent of viewing of a cable service or other service provided by the grantee;

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b. The extent of any other use by a customer of a cable service or other service provided by the grantee, including, but not limited to, a disclosure of the particular viewing selections by a person subscribing to a cable service or other service, or the particular web sites visited by a customer to non-cable service (i.e., a grantee may only disclose the fact that a person subscribes to non-cable service);

c. The nature of any transactions made by a customer over the cable system of the grantee; or

d. The nature of programming or sites that a customer subscribes to or views (i.e., a grantee may only disclose the fact that a person subscribes to a general tier of service or a package of channels with the same type of programming).

2. A minimum of 30 days before making any disclosure of personally identifiable information of any customer as provided in this subsection 21.60.825.C, the grantee shall notify in writing the Office of Cable Communications and each customer about which the grantee intends to disclose information of the specific information that will be disclosed, to whom it will be disclosed, and notice of the customer's right to prohibit the disclosure of such information for non-cable-related purposes. The notice to customers may be included with or made a part of the customer's monthly bill for cable service or other service or may be made by separate mailed notice. Each time that this notice is given to a customer, the grantee also shall provide the customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one of the following forms: a toll-free number that the customer may call, a website option, or such other equivalent methods as may be approved by the Office of Cable Communications.

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3. Additionally, within 45 days after each disclosure of personally identifiable information of any customer as provided in this subsection 21.60.825.C, the grantee shall notify in writing the Office of Cable Communications and each customer about which the grantee has disclosed information of the specific information that has been disclosed, to whom it has been disclosed, and notice of the customer's right to prohibit the disclosure of such information for non-cable-related purposes. The notice to customers may be included with or made a part of the customer's monthly bill for cable service or other service or may be made by separate mailed notice. Each time that this notice is given to a customer, the grantee also shall provide the customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one of the following forms: a toll-free telephone number that the customer may call; a website option; or such other equivalent methods as may be approved by the Office of Cable Communications.

4. A grantee may disclose personally identifiable information only to the extent that it is necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the grantee to the customer.

5. To the extent required by federal law, a grantee may disclose personally identifiable information pursuant to a subpoena or valid court order authorizing such disclosure, or to a governmental entity.

D. Access to information. Any personally identifiable information gathered and maintained by a grantee shall be made available for customer examination within 30 days of receiving a request by a customer to examine such information at the local offices of the grantee or other convenient place within the City designated by the grantee. Upon a reasonable showing by the

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customer that the information is inaccurate, a grantee shall correct such information.

E. Privacy notice to customers.

1. A grantee shall annually mail a separate, written privacy statement to customers consistent with 47 U.S.C. § 551(a)(1) and shall provide a customer a copy of such statement at the time the grantee enters into an agreement with the customer to provide cable service or other service. The written notice shall be in a clear and conspicuous format and be printed in ten-point type or larger.

2. In the statement required by subsection 21.60.825.E.1, the grantee shall state substantially the following regarding the disclosure of customer information: "Unless a customer affirmatively consents electronically or in writing to the disclosure of personally identifiable information, any disclosure of personally identifiable information for purposes other than to the extent necessary to render, or conduct a legitimate business activity related to, a cable service or other service, is limited to:

a. Disclosure pursuant to a subpoena or valid court order authorizing such disclosure; or to a governmental entity, but only to the extent required by applicable federal law; or

b. Disclosure of the name and address of a customer to any general programming tiers of service and other categories of cable and other services provided by the grantee that does not directly or indirectly disclose:

1) A customer's extent of viewing of a cable service or other service provided by the grantee,

2) The extent of any other use by a customer of a cable service or

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other service provided by the grantee, including, but not limited to, a disclosure of the particular viewing selections by a person subscribing to a cable service or other service, or the particular web sites visited by a customer of non-cable service (i.e., a grantee may only disclose the fact that a person subscribes to non-cable service),

3) The nature of any transactions made by a customer over the cable system, or

4) The nature of programming or sites that a customer subscribes to or views (i.e., a grantee may only disclose the fact that a person subscribes to a general tier of service, or a package of channels with the same type of programming).

3. The statement shall also inform the customers of their right to prohibit the disclosure of their names and addresses in accordance with subsection 21.60.825.C for non-cable-related purposes. This opportunity will be presented in the form of a toll-free telephone number or website, provided by the grantee with the privacy notice or other manner acceptable to the Office of Cable Communications. If a customer exercises the customer's right to prohibit the disclosure of name and address as provided in subsection 21.60.825.C or this subsection 21.60.825.E, such prohibition against disclosure shall remain in effect permanently, unless the customer subsequently notifies the grantee in writing that the customer wishes to permit the grantee to disclose the customer's name and address.

F. Privacy reporting requirements. The grantee shall provide a semi-annual report to the City summarizing:

1. The type of personally identifiable information that was actually collected or disclosed during the reporting period, including:

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1 a. For each type of personally identifiable information collected or disclosed,
2 a statement sufficient to demonstrate that the personally identifiable information collected or
3 disclosed was: 1) collected or disclosed only to the extent necessary to render, or conduct a
4 legitimate business activity related to, a cable service or other service provided by the grantee; 2)
5 used only to the extent necessary to detect unauthorized reception of cable service; 3) disclosed
6 pursuant to a subpoena or valid court order or to a governmental entity to the extent required by
7 federal law; 4) names and addresses disclosed in compliance with subsection 21.60.825.C.1; or
8 5) a disclosure of personally identifiable information of particular subscribers, but only to the
9 extent affirmatively consented to by such subscribers in writing or electronically; and
10

11 b. The categories of all entities to whom such personally identifiable
12 information was disclosed, including, but not limited to, cable installation and maintenance
13 contractors, direct mail vendors, telemarketing companies, print/mail houses, promotional
14 service companies, billing vendors, and account collection companies; and
15

16 2. Measures that have been taken, or could be taken, to prevent the unauthorized
17 access to personally identifiable information by a person other than the customer or the grantee,
18 including, among other things, a description of the technology that is or could be applied by the
19 grantee to prohibit unauthorized access to personally identifiable information by any means.
20

21 G. Nothing in this Section 21.60.825 shall prevent the City from obtaining personally
22 identifiable information to the extent not prohibited by 47 U.S.C. § 551.

23 H. The grantee shall provide the names of the entities described in subsection
24 21.60.825.F.1.b to whom personally identifiable information was disclosed, within 30 days of
25 receiving a request for such names from the City. However, the grantee need not provide the
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name of any court or governmental entity to which such disclosure was made if such disclosure would be inconsistent with applicable federal law.

I. Any aggrieved person may begin a civil action for damages for invasion of privacy against any grantee.

J. Destruction of personally identifiable information. A grantee shall destroy, within 90 days, any personally identifiable information if the personally identifiable information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such personally identifiable information under this Section 21.60.825, pursuant to a court order, or pursuant to 47 U.S.C. § 551.

K. Rulemaking. The Office of Cable Communications shall adopt such rules and regulations as it deems necessary or advisable to implement this Section 21.60.825.

Section 77. Section 21.60.830 of the Seattle Municipal Code, last amended by Ordinance 120775, is amended as follows:

21.60.830 Complaint procedure

A. Complaints to the grantee. The grantee shall, consistent with the obligations of this Chapter 21.60 including the minimum credit amounts set forth in Section 21.60.850, establish written procedures for receiving, acting upon, and resolving customer complaints and crediting customer accounts in accordance with company policies , and shall publicize such procedures at the grantee's sole expense.

1. The written procedures shall prescribe a simple process by which any customer may submit a complaint in person or by telephone, electronic mail, or in other forms to the

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grantee regarding an alleged violation of any provision of these customer service standards, any terms or conditions of the customer's contract with the grantee, or reasonable business practices.

2. The grantee will make best efforts to resolve customer concerns or complaints at the first contact. The City will make best efforts to redirect to the grantee all cable customers who have contacted the City first with a cable or other service inquiry, concern, or complaint relating to cable services. Within 15 days after receiving a complaint, the grantee shall notify the customer of the results of its investigation and its proposed action or credit. If the complaint is in writing, a written response shall be sent to the customer within two weeks of receipt.

3. The grantee shall also notify the customer of the customer's right to file a complaint with the City in the event the customer is dissatisfied with the grantee's decision and shall explain the necessary procedures for filing such complaint with the City.

4. For violations of this Subchapter II, credits shall be made to the customer's account in the amounts set forth in Section 21.60.850, at a minimum, or in greater amounts should the grantee choose to exceed the minimum credit. If the customer no longer receives cable service from the grantee, but registered a complaint while a subscriber of grantee's cable services, the grantee shall issue a check to the customer within 30 days of the resolution of the complaint.

5. The grantee's complaint procedures shall be sent to the City before implementation.

B. Security fund. Within 30 days of the effective date of a renewed franchise, and within 12 months of the effective date of a new franchise, the grantee shall deposit with an escrow

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agent approved by the City a security fund of \$.50 per customer not to exceed \$20,000. These escrowed funds shall be reviewed and maintained annually by the grantee at the level of \$.50 per customer not to exceed \$20,000 and be replenished within 14 days if amounts greater than ten percent of the required funds are withdrawn by the Office of Cable Communications.

1. The security fund serves as security for the payment of any penalties, fees, charges, or credits as provided for under this Subchapter II and for the grantee's performance of all its obligations under these customer service standards.

2. The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by any applicable franchise agreement or authorized by law, and no action, proceeding or exercise of a right with respect to the security fund in any way affects or diminishes any other right the City may otherwise have.

C. Complaints to the City. Any customer who is dissatisfied with any proposed disposition of a complaint by a grantee or who has not received a decision within the required 15-day period is entitled to have the complaint reviewed by the City.

1. The customer may initiate the review either by calling the City or by sending a written complaint, by letter or in electronic form, together with the grantee's written decision, if any, to the City.

2. The customer shall make such a request for review within 20 days of receipt of the grantee's decision or, if no decision has been provided, within 30 days after submitting the original complaint to the grantee.

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3. If the City decides that further evidence is warranted, the City may require the grantee and the customer to submit, within ten days of notice thereof, a written statement of the facts and arguments in support of their respective positions.

4. The grantee and the customer shall produce any additional evidence, including any reports from the grantee, that the City may deem necessary to an understanding and determination of the complaint.

5. The City shall issue a determination within 15 days after examining the materials submitted, setting forth the basis for its determination.

6. The City may extend these time limits for reasonable cause and may intercede and attempt to negotiate an informal resolution.

7. If the City determines that the customer's complaint is valid and that the grantee did not provide the proper solution and/or credit, the City may reverse any decision of the grantee in the matter and/or require the grantee to grant a specific solution, as determined by the City in its sole discretion, and/or any credit provided for in these standards; or the City may provide the customer with the amount of the credit (as set forth in Section 21.60.850) by means of a withdrawal from the security fund.

D. Overall quality of service. The City may evaluate the overall quality of customer service provided by the grantee to customers, in conjunction with any performance review provided for in the franchise agreement; or at any other time, at its sole discretion, based on the number of customer complaints received directly by the City or reported by the grantee in its quarterly reports.

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1 E. Procedure for remedying violations. If the City has reason to believe that the grantee has
2 failed to comply with any of these standards or has failed to perform in a timely manner, the
3 City may require in writing that the grantee remedy the alleged noncompliance and provide an
4 opportunity to cure. If the alleged noncompliance is denied or not cured to the satisfaction of the
5 City, the City may impose monetary sanctions or follow other procedures set forth in individual
6 franchise agreements.

7 F. Notice.

8
9 1. At the City's request, the grantee shall include on its billing statement, in a clear
10 and conspicuous manner, information on how to contact the City's Office of Cable
11 Communications. At the City's discretion, such information may include, but shall not be limited
12 to, the address, telephone number, and e-mail address of the Office of Cable Communications.

13
14 2. At least annually, the grantee shall notify its customers of the existence, location
15 and function of the City's Office of Cable Communications and shall provide, in a form
16 provided by or approved by the City, a summary of this Subchapter II and the remedies and
17 procedures available to its customers.

18 G. Notification of Complaints. If the City receives customer service complaints regarding
19 other services provided by the grantee, such as the use or connection of non-cable services, the
20 City will notify the grantee of such complaints. If the grantee demonstrates an egregious pattern
21 of failing to resolve such complaints with its customers, the City will forward the complaints to
22 the appropriate state or federal agency.
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Section 78. A new Section 21.60.840 of the Seattle Municipal Code is added as follows:

21.60.840 Verification of compliance by quarterly reporting form

The grantee shall maintain, in a manner consistent with the privacy rights of customers, an accurate and comprehensive file of: (1) any and all complaints regarding the cable system or the grantee's operation of the cable system to provide cable service, by number and type and their disposition; (2) service requests, identifying the number and nature of the requests and their disposition; (3) service interruptions and their disposition; and (4) all telephone calls from customers to grantee, and their response times.

A. The Office of Cable Communications will develop and provide a quarterly reporting form to monitor the grantee's compliance with this Subchapter II. The grantee shall complete the form and send it to the Office of Cable Communications on a quarterly basis, within 30 days of the end of the quarter. All data in the report shall reflect activity within an area that reasonably approximates the jurisdictional boundaries of King County, including the City. To measure the grantee's compliance with standards related to customer telephone response times, the report shall include, at a minimum, the following information from the grantee: 1) the total number of calls offered to a grantee; 2) the number of calls handled by the grantee's IVR within 30 seconds; 3) the total number of calls during which a customer requested, in any fashion, to speak with a CSR; 4) the total number of calls transferred to a CSR; 5) the total number of calls transferred to a CSR that were answered within 30 seconds; 6) the average wait time before a call to a CSR was answered; and 7) other information that may be requested by the Office of Cable Communications, and is retained by the grantee, to assess the overall level and effectiveness of grantee's customer service practices or is necessary to address customer service

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complaints. If calls abandoned by callers exceed five percent of calls handled, the grantee shall provide an explanation. Any grantee of a new franchise is not required to complete or send the report described in this Section 21.60.840 until 12 months after the effective date of the new franchise.

B. To determine whether the grantee has met the standard for CSR telephone response time, the Office of Cable Communications shall divide the total number of calls answered by a CSR within 30 seconds by the total number of calls transferred to a CSR. This quotient shall not reflect calls that are self-directed to the IVR only. Only telephone calls that result in a customer being directed to a CSR shall be included in this standard.

C. If the grantee fails to provide such reports on a timely basis, or if they are incomplete, the City may impose monetary sanctions of up to \$1,000 for the first quarter, up to \$2,000 for the second consecutive quarter of noncompliance, up to \$2,500 for the third consecutive quarter of noncompliance, and up to \$3,000 for each subsequent consecutive non-compliant quarters to encourage compliance.

D. The grantee shall permit the City to review and audit the information required under this Section 21.60.840 at any time during normal business hours upon reasonable notice.

Section 79. A new Section 21.60.850 of the Seattle Municipal Code is added as follows:

21.60.850 Minimum compensation to customers

For violations of this Subchapter II, the grantee shall credit the account of any customer who is either a current subscriber or a former customer awaiting a final billing statement in the amounts set forth below, at a minimum or, if the customer prefers, provide alternative compensation equivalent to the amounts set forth below, at a minimum:

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| Courtesy | |
| All employees of the grantee shall be courteous, knowledgeable, and helpful. Grantee's employees, agents, contractors, and subcontractors shall provide accurate information and effective, timely, and satisfactory service in all contacts with customers. 21.60.820.A | \$20 credit |
| Accessibility | |
| Telephone calls are answered by an IVR or a CSR within 30 seconds under normal operating conditions. If the call is answered by an IVR, the IVR must allow the option to speak with a CSR within no more than three minutes. If a customer has exercised the option to speak with a CSR, the customer shall be able to speak with a CSR within 30 seconds once the call is transferred during normal business hours. 21.60.820.B.4 | \$20 credit |
| Responsiveness | |
| The grantee shall complete standard installations and service repairs requested by a customer within seven business days after order has been placed, unless otherwise requested by the customer. 21.60.820.C.1 | Free installation, or one month's service if the installation fee has been waived for promotional reasons \$20 credit for a service repairs violation |
| If the customer requests a non-standard installation, or the grantee determines that a non-standard installation is required, the grantee shall provide the customer in advance with a total installation cost estimate and an estimated date of completion 21.60.820.C.1 | Free installation, or one month's service if the fee has been waived for promotional reasons |
| All underground cable drops shall be buried at a depth of no less than 12 inches and work shall be completed within three calendar weeks from the initial installation, or at a time mutually agreed upon between the grantee and customer. | \$20 credit |

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| 21.60.820.C.1 | |
| All customers requesting installation of cable service or repair service to an existing installation may choose any available four-hour block of time during normal business hours. 21.60.820.C.2 | \$20 credit |
| The grantee may not cancel an appointment with a customer after 5 p.m. on the day before the scheduled appointment. 21.60.820.C.2 | \$20 credit, or the guarantee offered by the grantee, whichever is greater |
| If the customer is absent when the technician arrives, the technician shall verify the appointment with the technician's dispatcher by telephone while at the customer's door and leave written notification of timely arrival. The grantee shall keep a record of the notification. 21.60.820.C.2.b | \$20 credit for failure to leave written notification of timely arrival |
| If a grantee representative fails to keep an installation or service appointment for any reason, the grantee will contact the customer before the end of the scheduled appointment and reschedule the appointment at a time convenient for the customer. 21.60.820.C.2.c | \$20 credit, or the guarantee offered by the grantee, whichever is greater |
| In the event of a system outage (an outage is a service interruption that involves a loss or substantial impairment in reception on all channels for a period of one hour or more) resulting from grantee equipment failure affecting five or more customers, the grantee shall initiate repairs within two hours after the third customer calls to report the outage. 21.60.820.C.3a | One day's free service for the day the customer reports the system outage and for each additional day the outage continues |
| All customers who call the grantee to report an outage shall receive credit for the entire day on which the outage occurred and for each additional day the outage continues. 21.60.820.C.3b | One day's free service for the day the customer reports the system outage and for each additional day the outage continues |
| The grantee shall initiate repairs for all other service interruptions resulting from grantee equipment failure within 24 hours. 21.60.820.C.3.d | One day's free service for each day in which there is a service interruption for each customer who reports a |

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| | service interruption |
| The grantee shall initiate repairs to customer reported outages and service interruptions, for any cause beyond the control of the grantee, within 24 hours after the conditions beyond its control have been corrected. 21.60.820.C.3.e | One day's free service for each day in which there is an outage or service interruption, after the conditions beyond grantee's control have been corrected, for each customer who reports an outage or service interruption |
| The signal quality provided by the grantee shall meet or exceed technical standards established by the FCC. 21.60.820.C.4 | One day's free service for each day the signal quality falls below FCC standards for customers who report reception that does not meet FCC standards |
| A planned outage that the grantee anticipates will last more than four hours shall be preceded by at least 24 hours' notice to affected customers and shall occur during periods of minimum use of the system, preferably between midnight and 6 a.m. Such notification of a planned outage may take the form of a door hanger, a message or insert into the monthly bill, or a telephone call and may be supplemented with on-screen messages announcing the planned outage. 21.60.820.C.4.a | One day's free service for each day in which there is a planned outage that is not preceded by the notice required in the customer service standard, or does not occur during periods of minimum use of the system |
| If a customer experiences poor signal quality or reception, the grantee shall respond and repair the problem no later than the day following the customer call provided that the customer is available and the repair can be made within the allotted time. 21.60.820.C.4.b | One day's free service for each day after the customer has called and the problem remains uncorrected |
| A grantee's CSRs shall have the authority to provide credit for interrupted service or any other credits listed in Section 21.60.850, to waive fees, to schedule service appointments, and to change billing cycles, if appropriate. 21.60.820.C.5.a | \$20 credit |
| Any difficulties that cannot be resolved by the CSR shall | \$20 credit |

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| be referred to the appropriate supervisor who shall make best efforts to contact the customer within four hours and resolve the problem within 48 hours or within such other time frame as is reasonable. 21.60.820.C.5.b | |
| Grantee will send customers a clear and concise bill every month. The grantee shall provide a due date on each bill that is at least 30 days from the beginning date of the applicable billing cycle. A monthly bill shall be issued to all customers regardless of balance due. The customer shall retain the option of whether to receive bills by mail or electronically. 21.60.820.C.6.a | \$20 credit |
| The grantee shall respond to a customer's billing inquiry, general question, or comment made by telephone or e-mail within 48 hours during normal business hours. The grantee shall respond in writing to a written and mailed billing inquiry, general question, or comment within two weeks of the date of receipt of the letter. 21.60.820.C.6.b | \$20 credit |
| If a customer's service bill is not paid within 52 days of the beginning date of the applicable service period, the grantee may disconnect the customer's service, but only upon showing that it has provided ten days' notice to the customer that such disconnection may result. 21.60.820.C.6.c | \$20 credit |
| If a customer requests cancellation of any or all services, billing for affected services shall end on the same day, or on the future date for which the cancellation is requested. After the requested cancellation date, the customer shall not be responsible for cable services delivered. The grantee must refund any credit balance owed the customer, less any owed or disputed amounts, within 15 business days after the close of the customer's billing cycle following the return of the equipment and request for cancellation. 21.60.820.C.6.d | \$20 credit (or refund if the customer's account has closed) |
| Deposits shall accrue interest at a fair market rate. Within | \$20 credit (or refund if the |

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| 15 business days after cancellation of service, the grantee shall repay any deposit with a statement showing accrued interest to the customer, less any sums owed to the grantee. 21.60.820.C.6.e | customer's account has closed) |
| Trees, shrubs, and other landscaping on a customer's property that are damaged by the grantee, or any employee or authorized agent, during installation or construction for the customer or in the process of serving adjacent structures, shall be restored to their prior condition or replaced. Trees and shrubs shall not be removed without the prior permission of the owner of the property on which they are located. 21.60.820.C.7.a | \$50 credit plus any additional repairs or reimbursement if the grantee fails to replace or repair the damage |
| The grantee shall, at its own cost and expense, and in a manner approved by the property owner and the City, restore any property to as good condition as before the work causing such disturbance was initiated. The grantee shall repair or replace any damaged property, or compensate property owners for damage resulting from the grantee's installation, construction, service, or repair activities for a customer. 21.60.820.C.7.b | \$50 credit plus any additional repairs or reimbursement if the grantee fails to replace or repair the damaged property |
| Except in the case of an emergency involving public safety or service interruption to a large number of customers, or where the grantee has a legal right of access or entry, the grantee shall give reasonable notice to property owners or legal tenants before entering upon their private property, and the notice shall specify the work to be performed. In the case of construction operations, such notice shall be delivered or provided at least 24 hours before entry. In the case of an emergency, the grantee shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made. Nothing in this Chapter 21.60 authorizes access or entry to private property, or any other | \$20 credit if the grantee fails to provide notice or enters premises without permission, plus any additional repairs or reimbursement |

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| property, where such right to access or entry is not otherwise provided by law. | |
| If damage is caused by grantee activity, the grantee shall reimburse the property owner 100 percent of the cost of repairing the damage or replacing the damaged property. For the installation of pedestals or other major construction or installation projects, property owners shall also be notified by mail or door hanger notice at least one week in advance. 21.60.820.C.7.c | |
| The grantee shall clean all areas surrounding any work site of debris caused by the grantee's activities and ensure that all materials are disposed of properly. 21.60.820.C.7.d | \$20 credit plus cleanup and disposal of debris |
| Services for customers with disabilities | |
| For any customer with a verified disability that prevents the customer from self-installing equipment, the grantee shall at no charge deliver, install, and pick up equipment at the customer's home. In the case of malfunctioning equipment, the grantee shall provide and install substitute equipment, ensure that it is working properly, and remove the defective equipment. 21.60.820.D.1 | \$20 credit |
| The grantee shall provide TDD/TTY service with trained operators who can provide every type of assistance rendered by the grantee's CSR for any hearing-impaired customer at no charge. 21.60.820.D.2 | \$20 credit |
| Grantees shall install, at no charge, any closed captioning device purchased by a hearing-impaired customer. 21.60.820.D.3 | \$20 credit |
| Grantees shall provide free use of a converter remote control unit to mobility-impaired customers. 21.60.820.D.4 | \$20 credit and provision of remote control unit |
| Customer information | |
| Upon installation, annually, and at any time a customer | \$20 credit for failure to |

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| requests, the grantee shall provide the following information to its customers in a clear, concise written form. In addition, the grantee shall notify customers 30 days in advance of any significant changes in the following: 21.60.820.E.1 | provide customer with the information or notice at the required time |
| Cable services offered by the grantee, including its channel lineup; 21.60.820.E.1.a | |
| The grantee's prices and options for cable services; conditions of subscription to cable services; and policies concerning changes in services offered, notification of changes, disconnection, and service downgrades. 21.60.820.E.1.b | |
| A description of these Subchapter II (Cable Customer Bill of Rights) standards in a form provided by or approved by the City; 21.60.820.E.1.c | |
| Installation and service maintenance policies, including the customer's responsibilities for equipment; 21.60.820.E.1.d | |
| Instruction on the use of cable TV service, remote control, and standard video recording device hookups; 21.60.820.E.1.e | |
| Instruction on the use of interactive television if provided by the grantee; 21.60.820.E.1.f | |
| Billing and complaint procedures, including the address and telephone number of the grantee's offices, the grantee's policies on deposits and credit balances, returned check charges, and refunds for disruption of cable service or poor signal quality; 21.60.820.E.1.g | |
| Contact information for filing a consumer complaint with the FCC and the Office of Cable Communications; 21.60.820.E.1.h | |
| Policies concerning protection of customer privacy, | |

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| including provisions for opting-out of disclosure of customer name and address for marketing purposes; 21.60.820.E.1.i | |
| Use and availability of parental control/lock out device; 21.60.820.E.1.j | |
| Special services for customers with disabilities including any discounts required by the franchise or other agreements; and 21.60.820.E.1.k | |
| Days, hours of operation, and locations of the service centers. 21.60.820.E.1.l | |
| The grantee shall provide customers written notification, and announcements on the cable system, of any change in programming, services, or channel positions as soon as possible, but no less than 30 days in advance of such changes if the change is within the control of the grantee. Customers shall be given a description of the changes, their options for changing services they receive, the phone number for questions, and the effective date. 21.60.820.E.3 | \$20 credit for each affected customer |
| All of the grantee's officers, agents, employees, contractors, and subcontractors who are in personal contact with customers shall have visible identification cards bearing their name and photograph. The grantee shall account for all identification cards at all times. 21.60.820.E.4 | \$20 credit |
| Every vehicle of the grantee used for providing services to customers shall be clearly visually identified to the public as working for the grantee. 21.60.820.E.4 | \$20 credit for a customer who receives service from an unidentified vehicle |
| All CSRs shall identify themselves orally to callers immediately following the greeting during each telephone contact with the public. Officers, agents, and employees of the grantee and its contractors and subcontractors shall identify themselves to the customer when making a service call or installation. 21.60.820.E.4 | \$20 credit |

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| All CSRs, technicians, employees, agents, contractors, and subcontractors of the grantee in every contact with a customer shall state the estimated cost of the service, repair, or installation orally before delivery of the service or before any work is performed, and shall provide the customer with an oral statement of the estimated total charges before terminating the telephone call. At the customer's request, the grantee shall send the customer a written statement detailing such charges. Grantee shall also provide customers with a written statement of the total estimated charges before leaving the location at which the work was performed. 21.60.820.E.5 | \$20 credit |
| All listings of the grantee's services shall conspicuously display the availability of all service tiers and corresponding prices for City customers, including the cost of either the basic cable service subject to rate regulation or the cost of the grantee's lowest priced cable service tier. 21.60.820.E.7 | \$20 credit |
| The grantee shall not charge customers for any services they have not affirmatively requested. 21.60.820.E.8 | \$20 credit |
| Safety | |
| If the grantee receives notice that an unsafe condition exists with respect to its equipment, the grantee shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate any unsafe condition. 21.60.820.G | \$50 a day for each 24-hour delay in responding to customer safety concerns |
| Satisfaction guaranteed | |
| The grantee shall guarantee customer satisfaction for every customer who requests new installation of cable service, video, or interactive television, or adds any additional cable service to the customer's cable subscription. Any such customer who adds expanded basic or other higher tier of video service or interactive television to the customer's cable subscription account | \$20 Credit |

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| and then requests discontinuation of such upgraded service within 30 days due to dissatisfaction with the service shall receive an account credit in an amount equal to the pro rata charge for the remaining days of service following the request to discontinue the service. If a customer subscribes to a service under a promotion that provides free service and chooses to discontinue the service during the promotion window, there shall be no charge of any kind for the service or for discontinuing the service. 21.60.820.H | |
| Customer Privacy | |
| For any violation of Cable customer privacy per Section 21.60.825. | Customer has choice of a check for \$100, or a \$100 credit to the customer's account |